

Form 59  
Rule

**ORDINARY SUMMONS FOR LEAVE TO APPEAL****COURT DETAILS**

**IN THE SUPREME COURT  
OF NEW SOUTH WALES  
SYDNEY REGISTRY**

**COURT OF APPEAL CIVIL DIVISION**

**FILE No. 2007**

**TITLE OF PROCEEDINGS**

Appellant FIONA CAROLINE CRISTIAN

Respondent: PERPETUAL LIMITED A.C.N 000 431 827

**FILING DETAILS/ADDRESS FOR SERVICE**

File for FIONA CAROLINE CRISTIAN

Address for service 11 Roycroft Street, BOWRAL, NSW 2176

Mobile: 0418 203204

**HEARING DETAILS AND PLACE**

Listed at NSW Court of Appeal on at

**IN THE COURT BELOW**

**IN THE SUPREME COURT  
OF NEW SOUTH WALES  
SYDNEY REGISTRY**

**EQUITY DIVISION**

FILE No. 003072 of 2007

Plaintiff PERPETUAL LIMITED A.C.N 000 431 827

Defendant FIONA CAROLINE CRISTIAN

**RELIEF CLAIMED/ORDERS SOUGHT**

1. The proceedings in respect of which leave to appeal is sought were heard on 8<sup>th</sup> June 2007 and decided on 8<sup>th</sup> June 2007.

2. The Appellants seek Orders granting leave to appeal from the whole decision of Justice William NICHOLAS of the Equity Division of the Supreme Court of New South Wales.
3. The Appellant further seek Orders for the immediate stay of the Orders made on the 8<sup>th</sup> June 2007 by the Equity Division of the Supreme Court of New South Wales.
4. That the Costs of the appeal be paid by the Opponents.

#### **GROUND FOR LEAVE TO APPEAL**

1. By reasons of pre-judgment and other conduct since 7<sup>th</sup> of June 2007 NICHOLAS J. was seeking to intimidate the Appellant and her family, and on 8<sup>th</sup> June 2007 his Honour acted in a biased manner and ignored authorities and relevant evidential documents and denied the Appellants procedural fairness by not granting sufficient time to the Appellant to prepare her case, which included evidence of Fraud on the part of the Respondent Corporation which has obtained orders from the Supreme Court to take possession of a property owned by the Appellant.
2. On 8<sup>th</sup> June 2007, Justice NICHOLAS refused to allow the Appellant to read submissions, which provided evidence of the Fraud which the Respondent has perpetrated upon the Appellant since 25 August 2005 and upon the Court since 14 July 2006.
3. On 8<sup>th</sup> June 2007, Justice NICHOLAS ignored the submissions made by the Appellant in full disregard of the civil rights of the Appellant and of the UN Treaty Against Corruption in force in Australia since 6 January 2006. Justice NICHOLAS prevented the Appellant from a full investigation of a fraudulent contract which the Respondent alleges gives it the right to sell the property located at 40 Warrain Crescent, CURRARONG NSW.
4. The Respondent, by reasons of fraud perpetrated upon the Appellant and upon the Court, cannot be assisted by the Courts to maintain the fraud and to continue to damage the Appellant, and the Courts cannot make legal, illegal acts.
5. The Appellant has civil rights pursuant Part 5, 14, 16, 25, of the International Covenant on Civil and Political Rights, and the Courts cannot deprive the Appellants of those rights.

- 3
6. On the 12<sup>th</sup> June 2007 Justice Nicholas made orders to remove a registered caveat lodged by a party (Mr Pedro Alfaro) who was not a party to these proceedings and who has a charge on the property since 27<sup>th</sup> August 2006.
  7. Justice Nicholas without giving procedural fairness and without a summons issued to the registered caveator "Mr Pedro Alfaro", and in his absence, made the orders in favour of the respondent for the removal of the caveat, which constitutes a violation of civil rights and his actions amounts to the violations of the Australian Treaty against corruption, in force in Australia since the 6<sup>th</sup> January 2006.
  8. On the 14<sup>th</sup> June 2007 the caveator discovered by chance that Justice Nicholas had made orders to remove Mr Alfaro's caveat. Also, Mr Alfaro attended the duty judge of the Equity Court, Justice Nicholas and Mr Alfaro requested an urgent stay of the orders made on the 12<sup>th</sup> June 2007 by Justice Nicholas, and his honour stated that Mr Alfaro had to file a summons and should advise the other party of the proceedings before he would deal with this matter.
  9. The respondent has brought the caveator Mr Alfaro who is not a party to the proceedings and has never been a party to these proceedings, into the proceedings without advising him and without his consent. The respondent with malicious intentions to damage and to sell the appellants property has made fraudulent documents in these proceedings in a combined conspiracy with Justice Nicholas.
  10. The actions of Justice Nicholas further amounts to bias and to collusion and corruption in a combination to assist the respondent and in concealment of fraudulent mortgage upon which the applicant was deceived into signing the fraudulent contract, upon which the respondent now alleges the right to the sale of the property.
  11. On the 14<sup>th</sup> June 2007, Justice Nicholas indicated that he was aware that the respondent was seeking settlement of the appellant's property on the 12<sup>th</sup> June 2007 and this why the respondent was seeking an order to remove Mr Alfaro's caveat so that the respondent could settle with another purchaser on the same day 12<sup>th</sup> June 2007.

3 4

**TO THE OPPONENT**

PERPETUAL LIMITED A.C.N 000 431 827

Of Level 12, Angel Place  
123 Pitt Street SYDNEY NSW 2000

The rules require you to file and serve a Response (as to which see Part 15 rule 4C and Part 51 rule 4B (1)) within 28 days of service of this Summons upon you, in default of which the summons may be disposed of (a) in your absence and (b) solely on the basis of the claimants arguments.

Before you file notice or take any other step in the proceedings, you must enter an appearance in the Registry of the Court unless you have by then filed summons in the proceedings.

Place: Court of Appeal Registry, Supreme Court of NSW, Law Courts Building, Queens Square, Sydney.  
The Appellant's Address for Service is:

11 Roycroft Street Bowral NSW 2576

**SIGNATURE**



FIONA CAROLINE CRISTIAN  
Appellant

Date: 12 June 2007

→ 5

**PARTY DETAILS**

**APPELLANT**

Family name      CRISTIAN  
Given name      FIONA CAROLINE  
Address:          11 Roycroft Street BOWRAL NSW 2576  
Mobile:          0418 203204

**RESPONDENT**

Company name    PERPETUAL LIMITED A.C.N 000 431 827  
Address          Level 12 Angel Place  
                     123 Pitt Street SYDNEY NSW 2000  
Phone            9229 9000  
Fax               8256 1468